

REMARKS

Applicants have studied the Office Action dated March 21, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-38 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (1-2) rejected claims 1-38 under the judicially created doctrine of obviousness-type double patenting; and
- (3-4) rejected claims 28-38 under 35 U.S.C. §112, second paragraph, as being indefinite for lack of antecedent basis of "the IWSP."

(1-2) Double-Patenting Rejection of the Claims

As noted above, the Examiner rejected claims 1-38 under the judicially created doctrine of obviousness type double-patenting. The Examiner indicated in the Office Action that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. The Applicants are filing a terminal disclaimer herewith (see attached paper). In view of the filing of the terminal disclaimer herewith, the Applicants believe that the Examiner's rejection has been overcome. Therefore, the Examiner's rejection should be withdrawn.

(3-4) Rejection under 35 U.S.C. §103(a) under Beddus and Sassin

As noted above, the Examiner rejected claims 28-38 under 35 U.S.C. §112, second paragraph, as being indefinite for lack of antecedent basis of "the IWSP." Independent claims 28 and 34 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added.

Independent claims 28 and 34 have been amended to correct the antecedent basis of "the IWSP." Claims 29-33 and 35-38 depend from independent claims 28 and 34 respectively. Since dependent claims contain all the limitations of the independent claims, claims 28-33, and 35-38, the Examiner rejection under 35 U.S.C. §112, second paragraph, as being indefinite for lack of antecedent basis of "the IWSP" is respectfully overcome and should be withdrawn.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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